



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1187/P1
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Wljtjld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: "University of Wisconsin^{=en}-Madison" should
always look like this. Thanks.

LPS: changes "past-copy"
are highlighted or in purple.

DoNot Gen

1 AN ACT *to repeal* 13.48 (2) (d), 15.915 (1), 15.915 (2), 20.280 (1) (zz), 20.285 (1)
2 (fc), 20.285 (1) (gm), 20.285 (1) (gn), 20.285 (1) (gr), 20.285 (1) (i), 20.285 (1) (ka),
3 20.285 (1) (mc), 20.285 (5), 20.285 (6) (a), 20.923 (4g) (c), 20.923 (4g) (e), 36.11
4 (10), 36.11 (28), 36.11 (28m), 36.11 (29), 36.11 (39), 36.11 (40), 36.11 (48), 36.25
5 (4), 36.25 (10), 36.25 (13m), 36.25 (14), 36.29 (5) (b), 36.395, 36.44 (2), 36.49 (1),
6 36.58 (1), 36.58 (4) and (5), 36.59 (8), 111.98 (1) (a) and 233.01 (3); *to renumber*
7 20.285 (1) (fd), 20.285 (1) (fj), 20.285 (1) (ia), 20.285 (1) (jq), 20.285 (1) (kg), 36.25
8 (3) (d), 36.25 (12m), 36.44 (1), 36.58 (title), 36.58 (2), 36.58 (6), 36.60 (1) (ag),
9 36.60 (1) (aj), 36.60 (1) (ap), 36.60 (1) (b), 36.60 (1) (cm), 36.60 (2) (a) 2., 36.60
10 (3) (a) and 36.60 (4m); *to renumber and amend* 16.75 (1) (b), 16.75 (2m) (b),
11 20.285 (1) (je), 20.285 (1) (ko), 20.285 (1) (qe), 20.285 (6) (g), 36.25 (3) (a) to (c),
12 36.25 (5) (a), 36.25 (5) (b), 36.25 (6) (e), 36.25 (8), 36.25 (11), 36.25 (12), 36.25
13 (13g), 36.25 (13s), 36.25 (18), 36.25 (19), 36.25 (21), 36.25 (21m), 36.25 (23),
14 36.25 (30m), 36.25 (34), 36.25 (35m), 36.25 (37), 36.25 (42), 36.25 (49m), 36.29
15 (5) (a), 36.33, 36.58 (3), 36.58 (3m), 36.60 (2) (a) 1., 36.61 (1) (am), 36.61 (1) (b),

36.61 (1) (bp), 36.61 (1) (d), 36.63 and 341.14 (6r) (f) 38.; **to consolidate, renumber and amend** 36.49 (intro.) and (2); **to amend** 13.106 (1) (intro.), 13.106 (2), 13.106 (3) (intro.), 13.172 (1), 13.48 (1), 13.48 (1m) (b), 13.48 (1m) (c), 13.48 (1m) (d), 13.48 (2) (b) 2., 13.48 (2) (e) 2., 13.48 (2) (g), 13.48 (3), 13.48 (4), 13.48 (6), 13.48 (10) (a), 13.48 (13) (a), 13.48 (15), 13.48 (19), 13.48 (25), 13.48 (25m), 13.48 (25p), 13.48 (25t), 13.48 (28) (title), 13.48 (29), 13.488 (1) (intro.), 13.488 (5), 13.62 (2), 13.94 (1) (intro.), 13.94 (4) (a) 1., 13.95 (intro.), 14.015 (1), 15.107 (12) (b) 2., 15.135 (4) (c) 2., 15.137 (2) (a) 8., 15.137 (5) (a), 15.137 (5) (b) 1., 15.165 (3) (a) (intro.), 15.377 (8) (c) 10., 15.407 (2) (a), 15.797 (1) (b) 8., 15.91, 15.917 (1) (a), 15.94 (intro.), 15.96 (1) (b), 15.96 (1) (c), 15.96 (1) (d), 15.96 (1) (e), 15.96 (1) (f), 16.002 (2), 16.004 (4), 16.004 (5), 16.004 (8) (am), 16.004 (12) (a), 16.04 (1) (intro.), 16.045 (1) (a), 16.41 (1), 16.417 (1) (a), 16.42 (1) (intro.), 16.513 (1), 16.513 (3) (a), 16.528 (1) (a), 16.53 (2), 16.53 (7), 16.54 (8g), 16.54 (8r) (a), 16.54 (9) (a) 1., 16.61 (13) (a), 16.61 (13) (b), 16.705 (1r) (d), 16.71 (1m), 16.72 (8), 16.73 (5), 16.75 (1) (c), 16.75 (2m) (c), 16.75 (6) (c), 16.765 (1), 16.765 (2), 16.765 (5), 16.765 (6), 16.765 (7) (intro.), 16.765 (7) (d), 16.765 (8), 16.78 (1), 16.847 (1) (b), 16.85 (1), 16.85 (2), 16.85 (4), 16.85 (5), 16.85 (7), 16.85 (10), 16.85 (12), 16.851, 16.8511, 16.855 (2) (intro.), 16.855 (2) (b) 2., 16.855 (5), 16.855 (7), 16.855 (10), 16.855 (13) (c), 16.855 (14) (b), 16.855 (16) (a), 16.855 (16) (b) 2., 16.855 (20), 16.855 (22), 16.858 (1), 16.858 (2), 16.858 (4), 16.865 (1) (a), 16.865 (2), 16.865 (3), 16.865 (4), 16.865 (5), 16.865 (8), 16.87 (2) (a), 16.875, 16.89, 16.891 (1) (b), 16.891 (2), 16.891 (4), 16.895 (title), 16.895 (2) (a), 16.895 (2) (c), 16.895 (2) (d), 16.895 (2) (e), 16.895 (2) (g), 16.895 (2) (h), 16.897, 16.90 (title), 16.90 (2) (a), 16.90 (2) (b), 16.90 (2) (c), 16.90 (2) (d), 16.90 (2) (e), 16.91 (2), 16.91 (3), 16.92 (2), 16.93 (2), 16.93 (3), 16.993 (1), 16.993 (4), 16.993 (7), 20.002 (11)

(b) 2., 20.235 (1) (fe), 20.235 (1) (fz), 20.255 (2) (cn), 20.285 (1) (c), 20.285 (1) (h),
20.285 (1) (jc), 20.285 (1) (jp), 20.285 (1) (kd), 20.285 (1) (ks), 20.285 (1) (qj),
20.285 (1) (qm), 20.435 (4) (xe), 20.435 (5) (hx), 20.505 (1) (kc), 20.505 (2) (k),
20.505 (2) (ki), 20.866 (1) (u), 20.867 (3) (h), 20.867 (3) (k), 20.901 (4), 20.924 (1)
(d), 20.924 (1) (j), 23.09 (3) (b), 23.197 (7m), 24.80, 25.18 (3), 25.40 (1) (a) 4., 25.50
(1) (d), 26.39 (6), 28.07, 32.02 (1), 33.11, 33.16 (8), 36.03, 36.09 (1) (a), 36.09 (1)
(e), 36.11 (1) (b), 36.11 (16), 36.25 (3) (title), 36.25 (6) (a), 36.25 (9), 36.25 (53),
36.335, 36.48, 36.54 (2) (a) 2., 36.60 (title), 36.60 (1) (d), 36.60 (2) (b), 36.60 (5)
(b) 1., 36.60 (5) (b) 2., 36.60 (5) (b) 3., 36.60 (5) (b) 4., 36.60 (5) (b) 5., 36.60 (5)
(d), 36.60 (6m) (a) (intro.), 36.60 (8) (b), 36.60 (8) (d), 36.60 (8) (e), 36.60 (8) (f),
36.60 (8) (h), 36.60 (9) (intro.), 36.60 (9) (a), 36.60 (9) (b), 36.60 (9) (c) (intro.),
36.60 (9) (c) 2., 36.60 (9) (c) 3., 36.61 (title), 36.61 (1) (e), 36.61 (2), 36.61 (3) (a),
36.61 (5) (b) 1., 36.61 (5) (b) 2., 36.61 (5) (b) 3., 36.61 (5) (b) 4., 36.61 (5) (b) 5.,
36.61 (5) (c), 36.61 (6m) (a) (intro.), 36.61 (7) (a), 36.61 (7) (b), 36.61 (7) (c), 36.61
(7) (d), 36.61 (7) (e), 36.61 (8) (intro.), 36.61 (8) (a), 36.61 (8) (b), 36.61 (8) (c)
(intro.), 36.61 (8) (c) 2., 36.61 (8) (c) 3., 36.62 (1), 36.62 (2), 39.16 (1), 39.16 (2)
(a), 39.30 (1) (e), 39.30 (3) (a), 39.32 (1) (b), 39.325 (1), 39.40 (2) (a), 39.41 (2) (a),
39.41 (2) (b), 39.41 (2) (c), 39.41 (3) (a), 39.41 (4) (a), 39.41 (5) (a) 1., 39.435 (7)
(b) 1., 39.435 (7) (b) 1m., 39.435 (8), 39.437 (4) (a), 39.437 (4) (b), 39.50 (3m),
39.50 (4), 40.02 (22) (em), 40.02 (25) (b) 2., 40.02 (48) (c), 40.02 (57), 40.05 (4)
(b), 40.05 (4) (bm), 40.05 (4) (bp) 1., 40.05 (4) (bp) 2., 40.05 (4) (bp) 3., 40.05 (5)
(a), 40.05 (5) (b) 4., 40.22 (2) (g), 40.22 (2) (h), 40.52 (3), 40.62 (2), 40.95 (1) (a)
1., 44.02 (5g) (a), 44.14 (1), 44.14 (2), 45.20 (1) (d), 45.20 (2) (c) 1., 45.20 (2) (e),
45.60 (3) (b), 46.042, 46.044, 46.21 (2) (b), 48.84 (1), 49.45 (8r), 50.38 (10), 59.56
(3) (a), 59.56 (3) (c) 2., 59.56 (3) (f) 1. (intro.), 59.56 (3) (g), 59.56 (4), 66.0301 (1)

(a), 66.0703 (6), 66.0705, 70.11 (3m) (a) 2., 70.119 (3) (e), 70.119 (4), 71.07 (5r) (a) 6. a., 71.07 (8r) (a) 4., 71.10 (5f) (i), 71.10 (5h) (i), 71.26 (1) (be), 71.28 (5r) (a) 6. a., 71.47 (5r) (a) 6. a., 73.12 (1) (b), 73.12 (2), 73.12 (3), 73.12 (5), 73.12 (7), 77.54 (9a) (a), 84.27, 92.025 (4), 92.04 (2) (g), 92.05 (3) (d), 92.07 (5), 93.33 (4), 93.33 (5) (intro.), 93.53 (1) (c), 94.40, 94.65 (4) (c), 94.66 (9), 95.14 (2), 101.123 (2) (d) 4., 101.14 (4) (b) 3. a., 101.14 (4) (b) 3. b., 101.14 (4) (b) 3. c., 101.14 (4) (b) 3. d., 111.81 (7) (b), 111.81 (8), 111.81 (15m), 111.81 (17m), 111.81 (19m), 111.825 (2) (a), 111.825 (2) (g), 111.825 (6), subchapter VI (title) of chapter 111 [precedes 111.95], 111.95 (intro.), 111.98 (1) (j), 111.98 (2) (a), 115.297 (1) (a), 115.43 (2) (b), 116.01, 116.032 (1), 118.55 (1), 118.55 (5) (a), 125.02 (3m), 146.59 (2) (b), 160.50 (1m), 174.13 (2), 227.01 (1), 230.03 (3), 233.01 (6), 233.01 (7), 233.02 (1) (b), 233.02 (1) (c), 233.02 (1) (d), 233.02 (1) (e), 233.02 (1) (f), 233.03 (2), 233.03 (10), 233.04 (1), 233.04 (3b) (b), 233.04 (4m) (b), 233.04 (7) (intro.), 233.04 (7) (e), 233.04 (7) (g), 233.04 (7g) (a), 233.04 (7g) (b), 233.04 (7m) (intro.), 233.04 (7m) (b), 233.04 (7m) (c), 233.04 (7m) (d), 233.04 (7p) (a), 233.04 (7p) (b), 233.05 (1) (a) 1., 233.05 (2) (a) 1., 233.10 (3r) (b) 3., 233.10 (3r) (b) 5., 233.10 (3r) (b) 6., 233.17 (2) (a), 233.17 (2) (b), 250.20 (2) (d), 250.20 (2) (f), 253.13 (1m), 253.13 (2), 253.13 (4), 254.19, 255.05 (1) (d), 255.054 (1), 255.054 (2), 255.055 (1), 255.055 (2), 281.66 (6), 281.75 (4) (b) 3., 285.59 (1) (b), 287.03 (1) (c), 299.83 (8) (g), 321.40 (3) (a), 321.65 (1) (a) 2., 341.14 (6r) (b) 4., 341.14 (6r) (c), 341.14 (6r) (e), 341.16 (1) (b), 345.28 (1) (a), 345.28 (1) (b), 345.28 (1) (c), 349.137 (2), 349.137 (3) (intro.), 349.137 (4) (b), 448.20 (2), 560.03 (18), 560.03 (25), 560.03 (26), 560.15 (1) (b) 6., 560.75 (6), 887.23 (1), 895.515 (1) (b) and 946.13 (12) (b) (intro.); and **to create** 13.40 (3) (i) 4., 13.48 (10) (c), 13.48 (12) (b) 5., 13.48 (13) (d), 14.57 (2m), 14.76 (1m), 15.165 (3) (a) 8., 15.347 (4) (f), 15.377 (8) (c) 8m.,

1 15.67 (1) (a) 1m., 15.94 (2v), 16.75 (1) (b) 2., 16.75 (2m) (b) 2., 16.865 (10), 16.87
 2 (5), 19.32 (1) (w), 19.36 (14), 19.42 (13) (bm), 19.45 (11) (e), 19.84 (5m), 20.280,
 3 20.280 (1) (zz), 20.505 (8) (hm) 6m., 20.901 (3m), 25.50 (3m), 36.54 (2) (a) 3.,
 4 chapter 37, 39.50 (1m), 40.02 (54) (hm), 70.11 (3) (d), 111.9994, 118.40 (2r) (b)
 5 1. g., 165.25 (8r), 233.01 (3m), 321.40 (1) (c) 1m., 893.82 (2) (d) 4., 895.46 (10)
 6 and 946.13 (13) of the statutes; relating to: creating the University of
 7 Wisconsin, granting rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. A complete analysis will be provided in a subsequent version of this draft.

STATE GOVERNMENT

STATE BUILDING PROGRAM

Currently, with limited exceptions, each state agency, including the UW system, must submit for approval of the Building Commission any contract for engineering, design, or construction of, or for the reconstruction, remodeling, or expansion of a building, structure, or facility if the project cost exceeds \$150,000; and if the project cost exceeds \$500,000, the project must be enumerated in the Authorized State Building Program, which is set forth by law. Currently, DOA manages all engineering, design, and construction work for state agencies, including the UW system, but DOA may delegate its management authority to an agency for a specific project. If management authority for a project is delegated, the agency to which authority is delegated is subject to the same requirements that apply to DOA if DOA manages the project directly. With limited exceptions, DOA must provide public notice of proposed work and let contracts to the lowest responsible bidder. Plans and specifications for all work on UW projects are subject to approval of DOA. DOA may assess and collect from state agencies, including the UW system, a construction project management fee to cover its costs in managing each project. With limited exceptions, each engineering, design, or construction contract for a state building, structure, or facility is subject to approval of the secretary of administration and, if the contract involves an expenditure of more than \$60,000, the approval of the governor. DOA must grant preference to Wisconsin-based firms under certain conditions and must attempt to ensure that five percent of the total amount that the state expends on DOA-supervised projects in each fiscal year is paid to minority-owned businesses and that a portion of that amount is also paid to disabled veteran-owned businesses.

This bill deletes DOA's and the governor's responsibility for management and supervision of and approval of plans, specifications, and contracts for any building,

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structure, or facility to be constructed, reconstructed, remodeled, or expanded for the University of Wisconsin if the project is funded entirely from ~~the proceeds of the sale of state-owned land~~ ~~or other sources of the University~~. The bill also deletes the requirement for approval of the Building Commission on any such project if the cost of the project does not exceed \$500,000. Under the bill, the University of Wisconsin is not required to adhere to any of the requirements that currently apply to DOA with respect to any such project and is not subject to assessment by DOA for its construction management services.

Currently, each building, structure, or facility that is constructed for the benefit or use of any state agency, including the UW system, is not subject to municipal ordinances and regulations, except zoning requirements. This bill exempts any building, structure, or facility that is constructed by or for the University of Wisconsin from compliance with any municipal zoning requirement governing such construction. Currently, the UW system may not accept a gift or grant of real property valued in excess of \$30,000 or any gift of a building, structure, or facility that is constructed for the benefit of the UW system without approval of the Building Commission. Under the bill, this restriction does not apply to the University of Wisconsin. Currently, no state agency, including the UW system, may permit a facility that would be privately owned or operated to be constructed on state-owned land without approval of the Building Commission. Under the bill, this restriction does not apply to the University of Wisconsin.

OTHER STATE GOVERNMENT

Currently, except as otherwise provided by law, the records of a state or local governmental officer or entity are subject to the right of public inspection and copying unless the custodian demonstrates that the public interest in withholding access to the information in a record outweighs the strong public interest in providing access to that information. This bill permits any public institution of higher education to withhold from access any information that is produced or collected by or for the faculty or staff of the institution in the conduct of, or as a result of, study or research on a commercial, scientific, or technical subject until that information is publicly disseminated or patented.

Currently, DOA manages the state's risk management program, including worker's compensation and liability insurance, and annually assesses each state agency, including the UW system, for its risk management costs. This bill permits the University of Wisconsin, with 6 months' notice, to opt in or out of the state's risk management program for any fiscal year.

Current law generally authorizes state agencies to purchase materials, supplies, or equipment under certain circumstances. With some exceptions, purchases for which the estimated cost exceeds \$25,000 require bids to be invited or proposals to be solicited and the order must be awarded to the lowest responsible bidder or most competitive sealed proposal. Under this bill, the University of Wisconsin may make a purchase without inviting bids or proposals if the estimated cost does not exceed \$50,000.

Sources other than state general purpose revenue
or general fund supported bonding

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 13.106 (1) (intro.) of the statutes is amended to read:

2 13.106 (1) (intro.) The Medical College of Wisconsin and the University of
3 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health shall
4 biennially report to the governor and the joint committee on finance on the:

5 SECTION 2. 13.106 (2) of the statutes is amended to read:

6 13.106 (2) The Medical College of Wisconsin and the University of
7 ~~Wisconsin-Madison Medical~~ Wisconsin School of Medicine and Public Health shall
8 submit a biennial report containing financial summaries for the college and school
9 to the governor and the joint committee on finance, in a consistent format and
10 methodology to be developed in consultation with the medical education review
11 committee under s. 39.16.

12 SECTION 3. 13.106 (3) (intro.) of the statutes is amended to read:

13 13.106 (3) (intro.) By October 15 of each even-numbered year, the Medical
14 College of Wisconsin and the University of ~~Wisconsin-Madison Medical~~ Wisconsin
15 School of Medicine and Public Health shall submit a report to the governor and to
16 the chief clerk of each house of the legislature for distribution to the legislature under
17 s. 13.172 (2) that provides information on all of the following:

18 SECTION 4. 13.172 (1) of the statutes is amended to read:

19 13.172 (1) In this section, "agency" means an office, department, agency,
20 institution of higher education, association, society, or other body in state
21 government created or authorized to be created by the constitution or any law, that

as affected by 2011
Wisconsin Act 75

1 is entitled to expend moneys appropriated by law, including the legislature and the
2 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
3 ch. 37, 52, 231, 233, 234, pr 279. 2385 ← (plain)

****NOTE: Section 13.172 specifies the manner for state agencies to provide reports to the legislature that are required by other statutes. The above applies s. 13.172 to the UW.

4 **SECTION 5.** 13.40 (3) (i) 4. of the statutes is created to read:

5 13.40 (3) (i) 4. The Board of Trustees of the University of Wisconsin. - Madison

****NOTE: It's unnecessary to include the UW in 13.40 (3m), because the provision is obsolete. s. A

6 **SECTION 6.** 13.48 (1) of the statutes is amended to read: - Madison

7 13.48 (1) POLICY. The legislature finds and determines that it is necessary to
8 improve the adequacy of the public building facilities that are required by the various
9 state agencies and the University of Wisconsin including the educational
10 institutions, for the proper performance of their duties and functions, and that it is
11 in the interest of economy, efficiency and the public welfare that such improvement
12 be accomplished by means of a long-range public building program, with funds to be
13 provided by successive legislatures. The long-range program shall include the
14 necessary lands, new buildings, and all facilities and equipment required and also
15 the remodeling, reconstruction, maintenance and reequipping of existing buildings
16 and facilities, as determined by the building commission.

17 **SECTION 7.** 13.48 (1m) (b) of the statutes is amended to read:

18 13.48 (1m) (b) The long-range public building program shall recognize the
19 importance of historic properties and shall include a program of preservation and
20 restoration of those historic properties under the control of the state and the
21 University of Wisconsin as provided in s. 44.41, including criteria for determining
22 which historic properties should be preserved and restored.

- Madison

- Madison

1 **SECTION 8.** 13.48 (1m) (c) of the statutes is amended to read:

2 13.48 (1m) (c) The long-range public building program shall require the
3 biennial review of each historic property under the control of the state and the
4 University of Wisconsin to determine the current uses of the property and
5 compliance by state agency compliance agencies and the University of Wisconsin
6 compliance with the requirements of the long-range program.

7 **SECTION 9.** 13.48 (1m) (d) of the statutes is amended to read:

- Madison

8 13.48 (1m) (d) The building commission shall allocate, from that portion of the
9 state building program funding which is available to all state agencies and the
10 University of Wisconsin, - Madison an amount of funds deemed necessary by the building
11 commission for the preservation, restoration and maintenance of historic properties
12 under the control of the state and the University of Wisconsin. - Madison

13 **SECTION 10.** 13.48 (2) (b) 2. of the statutes is amended to read:

14 13.48 (2) (b) 2. In the construction of all new buildings or additions to existing
15 buildings used for housing state offices and constructed for general state purposes
16 and not specially for the use of any particular state agency or the University of
17 Wisconsin, - Madison the building commission shall function with respect to such construction
18 in the same manner as other state agencies function with respect to buildings
19 constructed for such agencies. The building commission shall fix the rental for all
20 space in such buildings, and, notwithstanding any other statute, may remove to any
21 building any department housed in the state capitol. After the completion of such
22 buildings, they shall be in the charge of the department of administration as
23 provided by s. 16.84.

24 **SECTION 11.** 13.48 (2) (d) of the statutes is repealed.

25 **SECTION 12.** 13.48 (2) (e) 2. of the statutes is amended to read:

1 13.48 (2) (e) 2. It is the intent of the legislature that it be given a complete
2 picture of the results of its past decisions regarding the state's state building program
3 which will serve as background for making further decisions.

4 **SECTION 13.** 13.48 (2) (g) of the statutes is amended to read:

5 13.48 (2) (g) The building commission shall review assessments on property of
6 the state and the University of Wisconsin ^{- Madison} under s. 66.0703 (6).

7 **SECTION 14.** 13.48 (3) of the statutes is amended to read:

8 13.48 (3) STATE BUILDING TRUST FUND. In the interest of the continuity of the
9 program, the moneys appropriated to the state building trust fund under s. 20.867
10 (2) (f) shall be retained as a nonlapsing building depreciation reserve. Such moneys
11 shall be deposited into the state building trust fund. At such times as the building
12 commission directs, or in emergency situations under s. 16.855 (16) (b), the governor
13 shall authorize releases from this fund to become available for projects of state
14 agencies or the University of Wisconsin ^{- Madison} and shall direct the department of
15 administration to allocate from this fund such amounts as are approved for these
16 projects. In issuing such directions, the building commission shall consider the cash
17 balance in the state building trust fund, the necessity and urgency of the proposed
18 improvement, employment conditions and availability of materials in the locality in
19 which the improvement is to be made. The building commission may authorize any
20 project costing \$500,000 or less for any state agency or the University of Wisconsin ^{- Madison}
21 in accordance with priorities to be established by the building commission and may
22 adjust the priorities by deleting, substituting or adding new projects as needed to
23 reflect changing program needs and unforeseen circumstances. The building
24 commission may enter into contracts for the construction of buildings for any state
25 agency or the University of Wisconsin, except a project authorized under sub. (10) (c),
^{- Madison}

1 and shall be responsible for accounting for all funds released to projects. The
2 building commission may designate the department of administration or the agency
3 for which the project is constructed to act as its representative in such accounting.

4 **SECTION 15.** 13.48 (4) of the statutes is amended to read:

5 13.48 (4) STATE AGENCIES TO REPORT PROPOSED PROJECTS. ^{ten} Madison ~~Each~~ Whenever any
6 state agency ~~contemplating or the University of Wisconsin~~ contemplates a project
7 under ~~this the state building program, it shall report its proposed projects the project~~
8 to the building commission. The report shall be made on such date and in such
9 manner as the building commission prescribes. This subsection does not apply to
10 projects identified in sub. (10) (c).

11 **SECTION 16.** 13.48 (6) of the statutes is amended to read:

12 13.48 (6) REVIEW OF PROJECTS. All reports submitted as provided by sub. (4)
13 shall be reviewed by the building commission, which shall make its report as soon
14 after November 20 as is possible. Such report shall include specific
15 recommendations and establish priorities for the next 3 biennia from among all
16 projects submitted which the building commission deems essential and shall
17 recommend additional appropriations if necessary for the execution thereof. The
18 building commission shall include in the report any projects proposed by the state
19 fair park board involving a cost of not more than \$250,000, together with the method
20 of financing proposed for those projects by the board, without recommendation. The
21 building commission shall include in its report an appraisal and recommendation of
22 available and alternative methods of financing buildings for the use of state agencies
23 and the University of Wisconsin and shall file copies of its report with the
24 governor-elect. Madison

25 **SECTION 17.** 13.48 (10) (a) of the statutes is amended to read:

Madison

1 13.48 (10) (a) ~~No~~ Except as provided in par. (c), no state board, agency, officer,
 2 department, commission or body corporate, including the University of Wisconsin,
 3 may enter into a contract for the construction, reconstruction, remodeling of or
 4 addition to any building, structure, or facility, in connection with any building project
 5 which involves a cost in excess of \$150,000 without completion of final plans and
 6 arrangement for supervision of construction and prior approval by the building
 7 commission. The building commission may not approve a contract for the
 8 construction, reconstruction, renovation or remodeling of or an addition to a state
 9 building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied
 10 with or does not apply. This section applies to the department of transportation only
 11 in respect to buildings, structures and facilities to be used for administrative or
 12 operating functions, including buildings, land and equipment to be used for the
 13 motor vehicle emission inspection and maintenance program under s. 110.20.

14 SECTION 18. 13.48 (10) (c) [✓] of the statutes is created to read:

15 13.48 (10) (c) Paragraph (a) does not apply to any contract for a building project
 16 involving a cost of not more than \$500,000 to be constructed for the University of
 17 Wisconsin that is funded entirely from ^{sources other than general purpose revenue or general} ~~the proceeds of gifts or grants made to the~~
 18 ^{fund supported borrowing} ~~University of Wisconsin~~ ^{Madison} ~~University of Wisconsin~~

19 SECTION 19. 13.48 (12) (b) ⁶⁰ of the statutes is created to read: ⁶⁰ ~~60~~ ^{Madison}

20 13.48 (12) (b) ⁶⁰ A facility constructed by or for the University of Wisconsin ^{as affected by 2011 Wisconsin Act 75}

21 SECTION 20. 13.48 (13) (a) of the statutes is amended to read:

22 13.48 (13) (a) Except as provided in par. (b) ~~or~~ (c) or (d), every building,
 23 structure or facility that is constructed for the benefit of or use of the state, any state
 24 agency, board, commission or department, the University of Wisconsin Hospitals and
 25 Clinics Authority, ~~the~~ Fox River Navigational System Authority, the Wisconsin

~~the Wisconsin Economic Development Corporation~~

plain → the Wisconsin Economic Development Corporation,

1 Quality Home Care Authority, or any local professional baseball park district created
2 under subch. III of ch. 229 if the construction is undertaken by the department of
3 administration on behalf of the district, shall be in compliance with all applicable
4 state laws, rules, codes and regulations but the construction is not subject to the
5 ordinances or regulations of the municipality in which the construction takes place
6 except zoning, including without limitation because of enumeration ordinances or
7 regulations relating to materials used, permits, supervision of construction or
8 installation, payment of permit fees, or other restrictions.

9 **SECTION 21.** 13.48 (13) (d) of the statutes is created to read:

10 13.48 (13) (d) No construction undertaken by or for the University of Wisconsin
11 is subject to any zoning ordinance or regulation of the county or municipality in
12 which it is located governing such construction.

****NOTE: Section 13.48 (14), stats., governing sale or lease of state lands and property, is not amended because by its terms it applies only to state agencies, state-owned buildings and structures, and state-owned land.

13 **SECTION 22.** 13.48 (15) of the statutes is amended to read:

14 13.48 (15) ACQUISITION OF LEASEHOLD INTERESTS. Subject to the requirements
15 of s. 20.924 (1) (i), the building commission shall have the authority to acquire
16 leasehold interests in land and buildings where such authority is not otherwise
17 provided to an agency or the University of Wisconsin by law. - Madison

18 **SECTION 23.** 13.48 (19) of the statutes is amended to read:

19 13.48 (19) ALTERNATIVES TO STATE CONSTRUCTION. Whenever the building
20 commission determines that the use of innovative types of design and construction
21 processes will make better use of the resources and technology available in the
22 building industry, the building commission may waive any or all of s. 16.855 if such
23 action is in the best interest of the state or the University of Wisconsin and if the

- Madison

1 waiver is accomplished through formal action of the building commission. The
2 building commission may authorize the lease, lease purchase or acquisition of such
3 state facilities constructed in the manner authorized by the building commission.
4 Subject to the requirements of s. 20.924 (1) (i), the building commission may also
5 authorize the lease, lease purchase or acquisition of existing facilities in lieu of state
6 construction of any project enumerated in the authorized state building program.

7 **SECTION 24.** 13.48 (25) of the statutes is amended to read:

8 13.48 (25) WISCONSIN INITIATIVE FOR STATE TECHNOLOGY AND APPLIED RESEARCH.

9 There is created a program, to be known as the Wisconsin initiative for state
10 technology and applied research, for the purpose of providing financial support to
11 maintain the ability of the University of Wisconsin and the University of Wisconsin
12 System and other state agencies, as defined in s. 20.001 (1), to attract federal and
13 private research funds which enable the state to engage in high-technology
14 endeavors, which expand the state's economy and which influence the ability of the
15 state and nation to compete in an increasingly complex world. To carry out the
16 program, the building commission may authorize new construction projects and
17 projects to repair and renovate existing research facilities and supporting systems.
18 Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as
19 otherwise provided in the authorized state building program.

20 **SECTION 25.** 13.48 (25m) of the statutes is amended to read:

21 13.48 (25m) HEALTHSTAR PROGRAM. There is created a program, to be known as
22 the healthstar program, for the purpose of providing financial support to attract
23 federal and private funds to construct health science facilities to spur
24 interdisciplinary education and research activities at the University of
25 ~~Wisconsin-Madison~~ Wisconsin. Projects financed under the program shall be

designed to provide interdisciplinary health sciences education and research facilities, ancillary systems and supporting infrastructure. Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as otherwise provided in the authorized state building program.

SECTION 26. 13.48 (25p) of the statutes is amended to read:

13.48 (25p) BIOSTAR INITIATIVE. There is created a program, to be known as the biostar initiative, for the purpose of providing financial support to attract federal and private funds to construct biological sciences facilities to spur biological sciences education and research activities at the University of Wisconsin-Madison Wisconsin. Projects financed under the program shall be designed to provide biological sciences education and research facilities, ancillary systems, and supporting infrastructure. Projects shall be financed from the appropriation under s. 20.866 (2) (z) or as otherwise provided in the authorized state building program.

SECTION 27. 13.48 (25t) of the statutes is amended to read:

13.48 (25t) WISBUILD INITIATIVE. There is created a program, to be known as the "Wisbuild initiative", for the purpose of providing financial support for the maintenance, repair and renovation of state-owned buildings owned by the state and the University of Wisconsin. Funding may be provided under the initiative for high priority, comprehensive building renovation projects, as well as for the maintenance and repair of the exterior components of buildings and, without limitation because of enumeration, systems such as mechanical, electrical, plumbing and other building systems. Funding may also be provided under the initiative for projects to remove barriers that reduce access to and use of state facilities and University of Wisconsin facilities by persons with disabilities. The building commission shall allocate available funding for the initiative. Projects funded as a

- Madison

part of the initiative shall be financed from the appropriation under s. 20.866 (2) (z) or as otherwise provided in the authorized state building program.

SECTION 28. 13.48 (28) (title) of the statutes is amended to read:

13.48 (28) (title) STATE AND UNIVERSITY OF WISCONSIN PROPERTY LEASED TO THE UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY.

****NOTE: Section 13.488, stats. is not amended because the section, except sub. (1m) relating to arbitrage payments, pertains to dummy building corporations which have not been used since 1969. No amendment of sub. (1m) is required.

****NOTE: Section 16.848, stats., relating to sale of state-owned real property, is not amended because under the draft, the UW's real property will not be state-owned.

SECTION 29. 13.48 (29) of the statutes is amended to read:

13.48 (29) SMALL PROJECTS. Except as otherwise required under s. 16.855 (10m), the building commission may prescribe simplified policies and procedures to be used in lieu of the procedures provided in s. 16.855 for any project that does not require prior approval of the building commission under sub. (10) (a), except projects specified in sub. (10) (c).

SECTION 30. 13.488 (1) (intro.) of the statutes is amended to read:

13.488 (1) (intro.) For the purpose of providing housing for state departments and agencies and the University of Wisconsin, including housing for state offices anywhere in the state and the completion of the state office building, and all buildings, improvements, facilities or equipment or other capital items required in connection therewith, for the acquisition of lands for future office building development, and to refinance indebtedness previously or hereafter created by a nonprofit-sharing corporation for the purpose of providing a state office building or buildings or additions or improvements thereto which are located on land owned by the state or by the nonprofit-sharing corporation, or for any one or more of said purposes, the building commission shall have the following powers and duties:

1 **SECTION 31.** 13.488 (5) of the statutes is amended to read:

2 13.488 (5) Unless the context requires otherwise, the terms "building", "new
3 buildings" and "existing buildings", as used in this section, include all buildings,
4 structures, improvements, facilities, equipment or other capital items as the
5 building commission determines to be necessary or desirable for the purpose of
6 providing housing for state departments ~~and~~ agencies and the University of
7 Wisconsin. ²⁰¹¹ Madison [§] as affected by 2011
Wisconsin Act 7

8 **SECTION 32.** 13.62 (2) of the statutes is amended to read:

9 13.62 (2) "Agency" means any board, commission, department, office, society,
10 institution of higher education, council, or committee in the state government, or any
11 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231,
12 232, 233, 234, 237, ^{238,} or 279, except that the term does not include a council or
13 committee of the legislature. ^{plain}

****NOTE: ^{This SECTION} ~~Section~~ provides that the UW is subject to the same requirements that
apply to agencies under subch. III of ch. 13, which regulates lobbying. ✓

14 **SECTION 33.** 13.94 (1) (intro.) of the statutes is amended to read:

15 13.94 (1) DUTIES OF THE BUREAU. (intro.) The legislative audit bureau shall be
16 responsible for conducting postaudits of the accounts and other financial records of
17 departments to assure that all financial transactions have been made in a legal and
18 proper manner. In connection with such postaudits, the legislative audit bureau
19 shall review the performance and program accomplishments of the department
20 during the fiscal period for which the audit is being conducted to determine whether
21 the department carried out the policy of the legislature and the governor during the
22 period for which the appropriations were made. In performing postaudits under this
23 subsection, the legislative audit bureau shall not examine issues related to academic

1 freedom within the University of Wisconsin for the University of Wisconsin System.

2 A postaudit shall not examine into or comment upon the content of the various

3 academic programs, including degree requirements, majors, curriculum or courses

4 within the University of Wisconsin for the University of Wisconsin System, nor shall

5 any such postaudit examine into the manner in which individual faculty members

6 or groups of faculty members conduct their instructional, research or public service

7 activities. This subsection does not preclude the bureau from reviewing the

8 procedures by which decisions are made and priorities set in the University of

9 Wisconsin for the University of Wisconsin System, or the manner in which such

10 decisions and priorities are implemented within the University of Wisconsin for the

11 University of Wisconsin System, insofar as such review is not inconsistent with s.

12 36.09. The legislative audit bureau shall audit the fiscal concerns of the state as

13 required by law. To this end, it shall:

14 SECTION 34. 13.94 (4) (a) 1. of the statutes is amended to read:

15 13.94 (4) (a) 1. Every state department, board, examining board, affiliated

16 credentialing board, commission, independent agency, council or office in the

17 executive branch of state government; all bodies created by the legislature in the

18 legislative or judicial branch of state government; any public body corporate and

19 politic created by the legislature including specifically the University of Wisconsin

20 the Wisconsin Quality Home Care Authority, the Fox River Navigational System

21 Authority, the Lower Fox River Remediation Authority, and the Wisconsin Aerospace

22 Authority, a professional baseball park district, a local professional football stadium

23 district, a local cultural arts district and a long-term care district under s. 46.2895;

24 every Wisconsin works agency under subch. III of ch. 49; every provider of medical

25 assistance under subch. IV of ch. 49; technical college district boards; every county

(plain) → the Wisconsin Economic Development Corporation

department under s. 51.42 or 51.437; every nonprofit corporation or cooperative or unincorporated cooperative association to which moneys are specifically appropriated by state law; and every corporation, institution, association or other organization which receives more than 50% of its annual budget from appropriations made by state law, including subgrantee or subcontractor recipients of such funds.

(6) SECTION 35. 13.95 (intro.) of the statutes is amended to read:

13.95 Legislative fiscal bureau. (intro.) There is created a bureau to be known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the research requests received by it; however, with the prior approval of the requester in each instance, the bureau may duplicate the results of its research for distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's designated employees shall at all times, with or without notice, have access to all state agencies, the University of Wisconsin Hospitals and Clinics Authority, the University of Wisconsin, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and the Fox River Navigational System Authority, and to any books, records, or other documents maintained by such agencies or authorities and relating to their expenditures, revenues, operations, and structure.

SECTION 36. 14.015 (1) of the statutes is amended to read:

14.015 (1) DISABILITY BOARD. There is created a disability board which is attached to the office of the governor under s. 15.03. Where not in conflict with s. 17.025, s. 15.07 applies to the disability board. The disability board shall consist of the governor, the chief justice of the supreme court, the speaker of the assembly, the

1 president of the senate, the minority leader of the assembly, the minority leader of
2 the senate, and the dean of the University of Wisconsin ~~Medical School of Medicine~~
3 and Public Health. In case of the absence or disability of any of the members to serve
4 for a particular meeting of the board, the lieutenant governor, a justice of the
5 supreme court designated by the chief justice, the deputy speaker of the assembly,
6 the majority leader of the senate, the assistant minority leader of the assembly, the
7 assistant minority leader of the senate, or an associate dean of the University of
8 Wisconsin ~~Medical School of Medicine and Public Health~~ designated by the dean
9 shall serve, respectively, in place of the officers.

10 SECTION 37. 14.57 (2m) of the statutes is created to read:

11 14.57 (2m) The chairperson of the board of trustees of the University of
12 Wisconsin ^{- Madison} for his or her designee.

13 SECTION 38. 14.76 (1m) of the statutes is created to read:

14 14.76 (1m) In this section, "state agency" includes the University of Wisconsin/ ^{- Madison}

15 SECTION 39. 15.107 (12) (b) 2. of the statutes is amended to read:

16 15.107 (12) (b) 2. The chancellor of the University of Wisconsin-Madison
17 Wisconsin shall appoint one member to represent the state laboratory of hygiene.

18 SECTION 40. 15.135 (4) (c) 2. of the statutes is amended to read:

19 15.135 (4) (c) 2. The dean of the College of Agricultural and Life Sciences of the
20 University of Wisconsin-Madison Wisconsin and the director of the University of
21 Wisconsin-Extension to serve or appoint a person to serve as an advisory member
22 of the board.

23 SECTION 41. 15.137 (2) (a) 8. of the statutes is amended to read:

24 15.137 (2) (a) 8. A member chosen jointly by the dean of the College of
25 Agricultural and Life Sciences of the University of Wisconsin-Madison Wisconsin,

1 the dean of the School of Veterinary Medicine of the University of
2 ~~Wisconsin-Madison~~ Wisconsin, the dean of the College of Business, Industry, Life
3 Science, and Agriculture of the University of Wisconsin-Platteville, the dean of the
4 College of Agriculture, Food, and Environmental Sciences of the University of
5 Wisconsin-River Falls, and the dean of the College of Natural Resources of the
6 University of Wisconsin-Stevens Point to represent the colleges and school.

7 **SECTION 42.** 15.137 (5) (a) of the statutes is amended to read:

8 15.137 (5) (a) *Nonvoting members.* The secretary of agriculture, trade and
9 consumer protection, the secretary of natural resources and the dean of the College
10 of Agricultural and Life Sciences at the University of ~~Wisconsin-Madison~~ Wisconsin,
11 or their designees, shall serve as nonvoting members.

12 **SECTION 43.** 15.137 (5) (b) 1. of the statutes is amended to read:

13 15.137 (5) (b) 1. Six voting members shall be appointed jointly by the secretary
14 of the department of agriculture, trade and consumer protection and the dean of the
15 College of Agricultural and Life Sciences at the University of ~~Wisconsin-Madison~~
16 Wisconsin, to serve for 3-year terms. Three of the members appointed under this
17 subdivision shall be industry representatives selected from a list of candidates
18 provided by the fertilizer industry. Three of the members appointed under this
19 subdivision shall represent farmers who are crop producers.

20 **SECTION 44.** 15.165 (3) (a) (intro.) of the statutes is amended to read:

21 15.165 (3) (a) (intro.) There is created in the department of employee trust
22 funds a teachers retirement board. The board shall consist of ~~13~~ 14 members, to
23 serve for staggered 5-year terms. The board shall consist of the following members:

24 **SECTION 45.** 15.165 (3) (a) 8. of the statutes is created to read:

- Madison

1 15.165 (3) (a) 8. One University of Wisconsin representative who is a teacher
2 participant in the Wisconsin retirement system.

3 SECTION 46. 15.347 (4) (f) of the statutes is created to read:

4 15.347 (4) (f) One from the University of Wisconsin appointed by the board of
5 trustees of the University of Wisconsin.

6 SECTION 47. 15.377 (8) (c) 8m. of the statutes is created to read:

7 15.377 (8) (c) 8m. One faculty member of a department or ^{the} School of Education
8 in the University of Wisconsin recommended by the chancellor of the University of

9 Wisconsin.

10 SECTION 48. 15.377 (8) (c) 10. of the statutes is amended to read:

11 15.377 (8) (c) 10. One additional faculty member, appointed from the list of
12 persons recommended under subd. 8., 8m., or 9.

13 SECTION 49. 15.407 (2) (a) of the statutes is amended to read:

14 15.407 (2) (a) The vice chancellor for health sciences of the University of
15 Wisconsin-Madison Wisconsin or the vice chancellor's designee.

16 SECTION 50. 15.67 (1) (a) 1m. of the statutes is created to read:

17 15.67 (1) (a) 1m. One member of the board of trustees of the University of

18 Wisconsin.

19 SECTION 51. 15.797 (1) (b) 8. of the statutes is amended to read:

20 15.797 (1) (b) 8. One member who is a University of Wisconsin System or

21 University of Wisconsin faculty member with expertise regarding the health impacts
22 of wind energy systems.

23 SECTION 52. 15.91 of the statutes is amended to read:

24 **15.91 Board of regents of the University of Wisconsin System; creation.**

25 There is created a board of regents of the University of Wisconsin System consisting

1 of the state superintendent of public instruction, the president, or by his or her
2 designation another member, of the technical college system board and 14 citizen
3 members appointed for staggered 7-year terms, and 2 students enrolled at least
4 half-time and in good academic standing at institutions within the University of
5 Wisconsin System who are residents of this state, for 2-year terms. The student
6 members may be selected from recommendations made by elected representatives
7 of student governments at institutions within the University of Wisconsin System.
8 The governor shall appoint one student member who is at least 18 years old and one
9 undergraduate student member who is at least 24 years old and represents the views
10 of nontraditional students, such as those who are employed or are parents. The
11 governor may not appoint a student member from the same institution in any 2
12 consecutive terms; and the 2 student members who are appointed may not be from
13 the same institution; ~~and a student from the University of Wisconsin-Madison and~~
14 ~~a student from the University of Wisconsin-Milwaukee may not serve on the Board~~
15 ~~of Regents at the same time.~~ If a student member loses the status upon which the
16 appointment was based, he or she shall cease to be a member of the board of regents.

17 **SECTION 53.** 15.915 (1) ~~of~~ of the statutes is repealed.

18 **SECTION 54.** 15.915 (2) ~~of~~ of the statutes is repealed.

19 **SECTION 55.** 15.917 (1) (a) of the statutes is amended to read:

20 15.917 (1) (a) A representative of the University of Wisconsin Medical School
21 of Medicine and Public Health.

22 **SECTION 56.** 15.94 (intro.) of the statutes is amended to read:

23 **15.94 Technical college system board; creation.** (intro.) There is created
24 a technical college system board consisting of ~~13~~ 14 members. No person may serve

as president of the board for more than 2 successive annual terms. The board shall be composed of:

SECTION 57. 15.94 (2v) of the statutes is created to read:

15.94 (2v) The chairperson, or by his or her designation another member, of the board of trustees of the University of Wisconsin - *Madison*

SECTION 58. 15.96 (1) (b) of the statutes is amended to read:

15.96 (1) (b) Three members of the board of ~~regents~~ trustees of the University of Wisconsin - *Madison* appointed by the president chairperson of the board of ~~regents~~ trustees.

SECTION 59. 15.96 (1) (c) of the statutes is amended to read:

15.96 (1) (c) The chancellor of the University of ~~Wisconsin - Madison~~ Wisconsin or his or her designee.

SECTION 60. 15.96 (1) (d) of the statutes is amended to read:

15.96 (1) (d) The dean of the University of ~~Wisconsin - Madison~~ Medical Wisconsin School of Medicine and Public Health.

SECTION 61. 15.96 (1) (e) of the statutes is amended to read:

15.96 (1) (e) A chairperson of a department at the University of ~~Wisconsin - Madison~~ Medical Wisconsin School of Medicine and Public Health, appointed by the chancellor of the University of ~~Wisconsin - Madison~~ Wisconsin.

SECTION 62. 15.96 (1) (f) of the statutes is amended to read:

15.96 (1) (f) A faculty member of a health professions school of the University of ~~Wisconsin - Madison~~ Wisconsin health professions school, other than the University of ~~Wisconsin - Madison~~ Medical Wisconsin School of Medicine and Public Health, appointed by the chancellor of the

University of ~~Wisconsin - Madison~~ Wisconsin.

SECTION 63. 16.002 (2) of the statutes is amended to read:

was affected by 2011 Wisconsin Act 73

1 16.002 (2) "Departments" means constitutional offices, departments, and
 2 independent agencies and includes all societies, associations, and other agencies of
 3 state government for which appropriations are made by law, but not including
 4 authorities created in subch. II of ch. 114 or subch. III of ch. 149 and or in chs. 37,
 5 52, 231, 232, 233, 234, 235, 237, ~~244~~ or 279. plain

****NOTE: The above exempts the UW from the following:

☐ ~~Section 16.52 (11), which allows the DOA secretary to "allocate and charge, and ... prescribe the procedures for departments to allocate and charge, the central services costs of [DOA] or of individual departments to selected federal grants or contracts."~~

☐ ~~Section 16.53 (1) (ca), which requires all departments to "diligently review and supervise the travel expenditures of their employees" and allows them to promulgate rules governing such expenditures that are consistent with uniform guidelines established under s. 20.916 (8).~~

☐ ~~Section 16.54 (10), which requires all departments, before acceptance of any federal grant on behalf of the state which will or may involve the provision of auditing services by the legislative audit bureau, to provide written notification to the state auditor.~~

☐ ~~Section 16.61 (3) (d) 1., which requires the public records board to establish a system for protecting essential public records in the event of a disaster and consult with state departments in determining what public records are essential for such system.~~

☐ ~~Section 16.61 (3) (d) 4., which requires the public record board to furnish state departments with copies of its final plan for preserving essential public records.~~

☐ Section 16.85 (6), which requires DOA to "approve the appointment of a principal engineer or architect for departments, boards and commissions and when such continuous service is needed."

6 SECTION 64. 16.004 (4) of the statutes is amended to read: as affected by 2011 Wisconsin Act 73

7 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
 8 department as the secretary designates may enter into the offices of state agencies
 9 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
 10 chs. 37, 52, 231, 233, 234, 237, and 279, and may examine their books and accounts
 11 and any other matter that in the secretary's judgment should be examined and may
 12 interrogate the agency's employees publicly or privately relative thereto.

13 SECTION 65. 16.004 (5) of the statutes is amended to read: as affected by 2011 Wisconsin Act 73

1 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
2 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.
3 37, 52, 231, 233, 234, 237, and 279, and their officers and employees, shall cooperate
4 with the secretary and shall comply with every request of the secretary relating to
5 his or her functions.

6 SECTION 66. 16.004 (8) (am) of the statutes is amended to read:

7 16.004 (8) (am) The secretary shall maintain a system of rental policies for
8 state-owned housing administered by all agencies other than the University of
9 Wisconsin ^{- Madison} and shall periodically review the system for possible changes. Whenever
10 the secretary proposes to change rental policies other than rental rates, the secretary
11 shall submit a report relating to the system to the joint committee on finance. The
12 report shall include any changes in rental policies recommended by the secretary.

13 SECTION 67. 16.004 (12) (a) of the statutes ^{as affected by 2011 Wisconsin Act 75} is amended to read:

14 16.004 (12) (a) In this subsection, "state agency" means an association,
15 authority, board, department, commission, independent agency, institution, office,
16 society, or other body in state government created or authorized to be created by the
17 constitution or any law, including the legislature, the office of the governor, and the
18 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
19 the University of Wisconsin ^{- Madison} the Wisconsin Aerospace Authority, the Health
20 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
21 Authority, the Wisconsin Quality Home Care Authority, and the Fox River
22 Navigational System Authority.

23 SECTION 68. 16.04 (1) (intro.) of the statutes is amended to read:

^{plain} → the Wisconsin Economic Development Corporation

1 16.04 (1) (intro.) The department shall ensure optimum efficiency and economy
2 in the fleet management and maintenance activities of all agencies, as defined in s.

3 16.52 (7), other than the University of Wisconsin. The department may:

4 **SECTION 69.** 16.045 (1) (a) of the statutes is amended to read: as affected by 2011 Wisconsin Act 75

5 16.045 (1) (a) "Agency" means an office, department, independent agency,
6 institution of higher education, association, society, or other body in state
7 government created or authorized to be created by the constitution or any law, that
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
10 ch. 149 or in ch. 37, 52, 231, 232, 233, 234, 235, 237, or 279. plain 238

****NOTE: The above exempts the UW from DOA's authority over agency use of
gasohol, alternative fuels, and hybrid-electric vehicles.

11 ~~AM 16.15 EXC 17M~~ **SECTION 70.** 16.41 (1) of the statutes is amended to read: Madison

12 16.41 (1) All agencies shall keep their accounts and other financial records as
13 prescribed by the secretary under s. 16.40 (5), except as otherwise specifically
14 directed by law. All agencies and, authorities, and the University of Wisconsin shall
15 furnish to the secretary all information relating to their financial transactions which
16 the secretary requests pursuant to this subchapter for such periods as the secretary
17 requests, and shall render such assistance in connection with the preparation of the
18 state budget report and the budget bill and in auditing accounts, as the secretary or
19 the governor may require.

20 ~~AM 16.15 EXC 17M~~ **SECTION 71.** 16.417 (1) (a) of the statutes is amended to read: as affected by 2011 Wisconsin Act 75

21 16.417 (1) (a) "Agency" means an office, department, independent agency,
22 institution of higher education, association, society, or other body in state
23 government created or authorized to be created by the constitution or any law, that

Section 195

INSERT

28-4

see 11-1187/P1, 1187/P2

1 is entitled to expend moneys appropriated by law, including the legislature and the
2 courts, but not including an authority or the body created under subch. III of ch. 149

3 or under ch. 37.

or 238

plain

****NOTE: The above exempts the UW from the dual retention/employment requirements of s. 16.417 that apply to agencies and authorities. Note that s. 16.417 (1) (b) defines "authority" to include authorities created under specified statutes. By not including the UW in s. 16.417 (1) (b), and by excluding the UW from the definition of "agency" in the above, this draft exempts the UW from s. 16.417.

4 SECTION 72. 16.42 (1) (intro.) of the statutes is amended to read:

5 16.42 (1) (intro.) All agencies, ~~other than~~ including the University of Wisconsin
6 but excluding the legislature and the courts, no later than September 15 of each
7 even-numbered year, in the form and content prescribed by the department, shall
8 prepare and forward to the department and to the legislative fiscal bureau the
9 following program and financial information:

10 SECTION 73. 16.513 (1) of the statutes is amended to read:

11 16.513 (1) Each agency, including the University of Wisconsin, which has a
12 program revenue appropriation or appropriation of segregated revenues from
13 program receipts shall, at such times as required by the secretary, make quarterly
14 reports to the department projecting the revenues and expenditures for the ensuing
15 quarterly period under each such appropriation to the agency.

16 SECTION 74. 16.513 (3) (a) of the statutes is amended to read:

17 16.513 (3) (a) If there are insufficient moneys, assets, or accounts receivable,
18 as determined under s. 20.903 (2), that are projected by an agency, including the
19 University of Wisconsin, or projected by the department under s. 16.40 (7) to cover
20 anticipated expenditures under a program revenue appropriation or appropriation
21 of segregated revenues from program receipts, the agency shall propose and submit

to the department a plan to assure that there are sufficient moneys, assets, or accounts receivable to meet projected expenditures under the appropriation.

SECTION 75. 16.528 (1) (a) of the statutes is amended to read:

16.528 (1) (a) "Agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231, 233, 234, 237, or 279.

***NOTE: The above exempts the UW from the requirements under s. 16.528 for an agency to pay interest on late payments made by the agency.

SECTION 76. 16.53 (2) of the statutes is amended to read:

16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed invoice, the agency shall notify the sender of the invoice within 10 working days after it receives the invoice of the reason it is improperly completed. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 37, 52, 231, 233, 234, 237, or 279.

SECTION 77. 16.53 (7) of the statutes is amended to read:

16.53 (7) CERTIFICATION OF BOARDS, EVIDENCE OF CORRECTNESS OF ACCOUNT. The certificate of the proper officers of the ~~board of regents~~ Board of Regents of the University of Wisconsin System, the board of trustees of the University of Wisconsin, the department of

- Madison

1 health services, or the proper officers of any other board or commission organized or
2 established by the state, shall in all cases be evidence of the correctness of any
3 account which may be certified by them.

4 **SECTION 78.** 16.54 (8g) of the statutes is amended to read:

5 16.54 (8g) Subsections (1) to (8) do not apply to federal moneys made available
6 to the ~~board of regents~~ ^{Board of Regents} of the University of Wisconsin System or the board of trustees
7 of the University of Wisconsin ^{- Madison} for instruction, extension, special projects or
8 emergency employment opportunities.

****NOTE: The above ensures that the UW maintains an exemption under current law that applies to the UW-System.

9 **SECTION 79.** 16.54 (8r) (a) of the statutes is amended to read:

10 16.54 (8r) (a) Whenever the federal government makes available moneys for
11 instruction, extension, special projects or emergency employment opportunities, the
12 ~~board of regents~~ ^{Board of Regents} of the University of Wisconsin System and the board of trustees of
13 the University of Wisconsin ^{- Madison} may accept the moneys on behalf of the state. The ~~board~~
14 ~~of regents~~ ⁼ and the board of trustees shall, in the administration of the expenditure
15 of such moneys, comply with the requirements of the act of congress making the
16 moneys available and with the regulations prescribed by the federal government or
17 the federal agency administering the act, insofar as the act or regulations are
18 consistent with state law. The ~~board of regents~~ ⁼ and the board of trustees may submit
19 any plan, budget, application or proposal required by the federal agency as a
20 precondition to receipt of the moneys. The ~~board of regents~~ ⁼ and the board of trustees
21 may, consistent with state law, perform any act required by the act of congress or the
22 federal agency to carry out the purpose of the act of congress. The ~~board of regents~~ ⁼

Board of Regents

1 shall deposit all moneys received under this paragraph in the appropriation account
2 under s. 20.285 (1) (m).

3 **SECTION 80.** 16.54 (9) (a) 1. of the statutes is amended to read:

4 16.54 (9) (a) 1. "Agency" means an office, department, independent agency,
5 institution of higher education, association, society or other body in state
6 government created or authorized to be created by the constitution or any law, which
7 is entitled to expend moneys appropriated by law, including the legislature and the
8 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
9 ch. 149 or in ch. 37, 52, 231, 233, 234, 237, or 279.

****NOTE: The above exempts the UW from the requirements under s. 16.54 (9) that apply to "moneys received by an agency from the federal government as reimbursement for indirect costs of administration of a federal grant or contract for which no specific use is mandated by the federal government."

10 **SECTION 81.** 16.61 (13) (a) of the statutes is amended to read:

11 16.61 (13) (a) The historical society, as trustee for the state, shall be the
12 ultimate depository of the archives of the state, and the board may transfer to the
13 society such original records and reproductions as it deems proper and worthy of
14 permanent preservation, including records and reproductions which the custodian
15 thereof has been specifically directed by statute to preserve or keep in the custodian's
16 office. The permanent preservation of records of the University of Wisconsin System
17 and of the University of Wisconsin may be accomplished under par. (b). The society
18 may deposit in the regional depositories established under s. 44.10, title remaining
19 with the society, the records of state agencies or their district or regional offices which
20 are primarily created in the geographic area serviced by the depository, but the
21 records of all central departments, offices, establishments and agencies shall remain
22 in the main archives in the capital city under the society's immediate jurisdiction,
23 except that the society may place the records temporarily at a regional depository for

periods of time to be determined by the society. Nothing in this subsection nor in ch. 44 prevents the society's taking the steps for the safety of articles and materials entrusted to its care in library, museum or archives, including temporary removal to safer locations, dictated by emergency conditions arising from a state of war, civil rebellion or other catastrophe.

SECTION 82. 16.61 (13) (b) of the statutes is amended to read:

16.61 (13) (b) The board may designate an archival depository at the University of Wisconsin ^{- Madison} and at each university as defined in s. 36.05 (13) which shall meet standards for university archival depositories established by the board with the advice of the board of trustees [↓] ~~the board of regents~~ ^{the Board of Regents} and the historical society or their respective designated representatives. The board may transfer to the appropriate university archival depository all original records and reproductions the board deems worthy of permanent preservation.

SECTION 83. 16.705 (1r) (d) of the statutes is amended to read:

16.705 (1r) (d) Contractual services purchased by the Board of Regents of the University of Wisconsin System with moneys appropriated under s. 20.285 (1) (j), (ja), (jm), (u), or (w) ~~or (5) (j)~~.

SECTION 84. 16.71 (1m) of the statutes is amended to read:

16.71 (1m) The department shall not delegate to any executive branch agency, other than the board of regents [↓] ~~the board of regents~~ ^{Board of Regents} of the University of Wisconsin System and the board of trustees of the University of Wisconsin, the authority to enter into any contract for materials, supplies, equipment, or contractual services relating to information technology or telecommunications prior to review and approval of the contract by the department. No executive branch agency, other than the board of regents [↓] ~~the board of regents~~ ^{Board of Regents} of the University of Wisconsin System, may enter into any such contract without review

1 and approval of the contract by the department. Any executive branch agency that
2 enters into a contract relating to information technology under this section shall
3 comply with the requirements of s. 16.973 (13). Any delegation to the ~~board of regents~~
4 of the University of Wisconsin System is subject to the limitations prescribed in s.
5 36.11 (49).

6 **SECTION 85.** 16.72 (8) of the statutes is amended to read:

7 16.72 (8) The department may purchase educational technology materials,
8 supplies, equipment, or contractual services from orders placed with the department
9 by school districts, cooperative educational service agencies, technical college
10 districts, and the ~~board of regents~~ of the University of Wisconsin System, and the
11 board of trustees of the University of Wisconsin - Madison

12 **SECTION 86.** 16.73 (5) of the statutes is amended to read:

13 16.73 (5) If the department designates the ~~board of regents~~ Board of
14 University of Wisconsin System ~~as its purchasing agent for any purpose under s.~~
15 16.71 (1), the board may enter into a contract to sell any materials, supplies,
16 equipment or contractual services purchased by the board to the University of
17 Wisconsin Hospitals and Clinics Authority, and may contract with the University of
18 Wisconsin Hospitals and Clinics Authority for the joint purchase of any materials,
19 supplies, equipment or contractual services if the sale or purchase is made
20 consistently with that delegation and with this subchapter.

21 **SECTION 87.** 16.75 (1) (b) of the statutes is renumbered 16.75 (1) (b) 1. and
22 amended to read:

23 16.75 (1) (b) 1. When Except as provided in subd. 2., when the estimated cost
24 exceeds \$25,000, the department shall invite bids to be submitted. The

Board of Regents

1 3. If subd. 1. or 2. requires bids to be solicited, the department shall either shall
2 solicit sealed bids to be opened publicly at a specified date and time[↓], or shall solicit
3 bidding by auction to be conducted electronically at a specified date and time.
4 Whenever bids are invited, due notice inviting bids shall be published as a class 2
5 notice, under ch. 985 or posted on the Internet at a site determined or approved by
6 the department. The bid opening or auction shall occur at least 7 days after the date
7 of the last insertion of the notice or at least 7 days after the date of posting on the
8 Internet. The notice shall specify whether sealed bids are invited or bids will be
9 accepted by auction, and shall give a clear description of the materials, supplies,
10 equipment, or contractual services to be purchased, the amount of any bond, share
11 draft, check, or other draft to be submitted as surety with the bid or prior to the
12 auction, and the date and time that the public opening or the auction will be held.

13 **SECTION 88.** 16.75 (1) (b) 2. of the statutes is created to read:

14 16.75 (1) (b) 2. If the University of Wisconsin^{- Madison} is making a purchase, the
15 University of Wisconsin^{- Madison} may make the purchase without inviting bids to be
16 submitted if the estimated cost does not exceed \$50,000.

17 **SECTION 89.** 16.75 (1) (c) of the statutes is amended to read:

18 16.75 (1) (c) Except as provided in sub. (7), when the estimated cost is \$25,000
19 or less than the bidding threshold under par. (b)[↓], the award may be made in
20 accordance with simplified procedures established by the department or the
21 University of Wisconsin^{- Madison} whichever is making the purchase, for such transactions.

22 **SECTION 90.** 16.75 (2m) (b) of the statutes is renumbered 16.75 (2m) (b) 1. and
23 amended to read:

1 16.75 (2m) (b) 1. ~~When~~ Except as provided in subd. 2., when the estimated cost
2 exceeds \$25,000, the department may invite competitive sealed proposals by
3 publishing.

4 3. If competitive sealed proposals are invited, the department shall publish a
5 class 2 notice under ch. 985 or by posting post notice on the Internet at a site
6 determined or approved by the department. The notice shall describe the materials,
7 supplies, equipment, or contractual services to be purchased, the intent to make the
8 procurement by solicitation of proposals rather than by solicitation of bids, any
9 requirement for surety and the date the proposals will be opened, which shall be at
10 least 7 days after the date of the last insertion of the notice or at least 7 days after
11 the date of posting on the Internet.

12 SECTION 91. 16.75 (2m) (b) 2. of the statutes is created to read: *- Madison*

13 16.75 (2m) (b) 2. If the University of Wisconsin *- Madison* is making a purchase, the
14 University of Wisconsin may make the purchase without inviting competitive sealed
15 proposals if the estimated cost does not exceed \$50,000.

16 SECTION 92. 16.75 (2m) (c) of the statutes is amended to read:

17 16.75 (2m) (c) When the estimated cost is \$25,000 ~~or less than the threshold~~
18 under par. (b) for requiring competitive sealed proposals, the department may award
19 the order or contract may be awarded in accordance with simplified procedures
20 established by the department or the University of Wisconsin *- Madison* whichever is making
21 the purchase, for such transactions.

22 SECTION 93. 16.75 (6) (c) of the statutes is amended to read: *- Madison*

23 16.75 (6) (c) If the secretary determines that it is in the best interest of this state
24 to do so, ~~he or she or, for purchases by the University of Wisconsin,~~ the chairperson
25 of the board of trustees determines it is in the best interest of the University to do
= =
of Wisconsin - Madison

so, the secretary or chairperson may, with the approval of the governor, waive the requirements of subs. (1) to (5) and may purchase supplies, material, equipment, or contractual services, other than printing and stationery, from a private source other than a source specified in par. (b). Except as provided in sub. (2g) (c), if the cost of the purchase is expected to exceed \$25,000, the department shall first publish a class 2 notice under ch. 985 or post a notice on the Internet at the site determined or approved by the department under sub. (1) (b) ^{3.} describing the materials, supplies, equipment, or contractual services to be purchased, stating the intent to make the purchase from a private source without soliciting bids or competitive sealed proposals and stating the date on which the contract or purchase order will be awarded. The date of the award shall be at least 7 days after the date of the last insertion or the date of posting on the Internet.

SECTION 94. 16.765 (1) of the statutes is amended to read:

16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the University of Wisconsin - Madison the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and the Bradley Center Sports and Entertainment Corporation shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and, except with respect to sexual orientation, obligating the contractor to take affirmative action to ensure equal employment opportunities.

SECTION 95. 16.765 (2) of the statutes is amended to read:

the Wisconsin Economic Development Corporation

1 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
2 Clinics Authority, the University of Wisconsin ^{- Madison} the Fox River Navigational System
3 Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing
4 Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality
5 Home Care Authority, ^{plain} the Wisconsin Economic Development Corporation and the Bradley Center Sports and Entertainment
6 Corporation shall include the following provision in every contract executed by them:

7 "In connection with the performance of work under this contract, the contractor
8 agrees not to discriminate against any employee or applicant for employment
9 because of age, race, religion, color, handicap, sex, physical condition, developmental
10 disability as defined in s. 51.01 (5), sexual orientation or national origin. This
11 provision shall include, but not be limited to, the following: employment, upgrading,
12 demotion or transfer; recruitment or recruitment advertising; layoff or termination;
13 rates of pay or other forms of compensation; and selection for training, including
14 apprenticeship. Except with respect to sexual orientation, the contractor further
15 agrees to take affirmative action to ensure equal employment opportunities. The
16 contractor agrees to post in conspicuous places, available for employees and
17 applicants for employment, notices to be provided by the contracting officer setting
18 forth the provisions of the nondiscrimination clause".

19 SECTION 96. 16.765 (5) of the statutes ^{as amended by 2011 Wisconsin Act 75} is amended to read:

20 16.765 (5) The head of each contracting agency and the boards of directors of
21 the University of Wisconsin Hospitals and Clinics Authority, the University of
22 Wisconsin ^{- Madison} the Fox River Navigational System Authority, the Wisconsin Aerospace
23 Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower Fox River
24 Remediation Authority, the Wisconsin Quality Home Care Authority, and the
25 Bradley Center Sports and Entertainment Corporation shall be primarily

^{plain} the Wisconsin Economic Development Corporation

1 responsible for obtaining compliance by any contractor with the nondiscrimination
 2 and affirmative action provisions prescribed by this section, according to procedures
 3 recommended by the department. The department shall make recommendations to
 4 the contracting agencies and the boards of directors of the University of Wisconsin
 5 Hospitals and Clinics Authority, the University of Wisconsin ^{- Madison} the Fox River
 6 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
 7 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
 8 Authority, the Wisconsin Quality Home Care Authority, and the Bradley Center ^{the Wisconsin Economic Development Corporation}
 9 Sports and Entertainment Corporation for improving and making more effective the
 10 nondiscrimination and affirmative action provisions of contracts. The department
 11 shall promulgate such rules as may be necessary for the performance of its functions
 12 under this section.

13 SECTION 97. 16.765 (6) of the statutes ^{as amended by 2011} is amended to read: ^{Wisconsin} ^{Act 75}

14 16.765 (6) The department may receive complaints of alleged violations of the
 15 nondiscrimination provisions of such contracts. The department shall investigate
 16 and determine whether a violation of this section has occurred. The department may
 17 delegate this authority to the contracting agency, the University of Wisconsin
 18 Hospitals and Clinics Authority, the University of Wisconsin ^{- Madison} the Fox River
 19 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
 20 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
 21 Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports
 22 and Entertainment Corporation for processing in accordance with the department's
 23 procedures.

24 SECTION 98. 16.765 (7) (intro.) of the statutes ^{as amended by 2011} is amended to read: ^{Wisconsin} ^{Act 75}

^{the Wisconsin}
^{Economic Development Corporation}

1 16.765 (7) (intro.) When a violation of this section has been determined by the
 2 department, the contracting agency, the University of Wisconsin Hospitals and
 3 Clinics Authority, the University of Wisconsin the Fox River Navigational System
 4 Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing
 5 Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality
 6 Home Care Authority, plain → the Wisconsin Economic Development Corporation,
 7 the contracting agency, the University of Wisconsin Hospitals and Clinics Authority,
 8 the University of Wisconsin the Fox River Navigational System Authority, the
 9 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
 10 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
 11 Authority, plain → the Wisconsin Economic Development Corporation,
 12 or the Bradley Center Sports and Entertainment Corporation shall:

SECTION 99. 16.765 (7) (d) of the statutes is amended to read: *as affected by 2011 Wisconsin Act 75*

13 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
 14 further violations of this section and to report its corrective action to the contracting
 15 agency, the University of Wisconsin Hospitals and Clinics Authority, the University
 16 of Wisconsin the Fox River Navigational System Authority, the Wisconsin
 17 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
 18 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, plain → the Wisconsin Economic Development Corporation,
 19 the Bradley Center Sports and Entertainment Corporation.

SECTION 100. 16.765 (8) of the statutes is amended to read: *as affected by 2011 Wisconsin Act 75*

21 16.765 (8) If further violations of this section are committed during the term
 22 of the contract, the contracting agency, the University of Wisconsin the Fox River
 23 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
 24 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
 25 Authority, plain → the Wisconsin Economic Development Corporation,
 or the Bradley Center Sports

Corporation

1 and Entertainment Corporation may permit the violating party to complete the
2 contract, after complying with this section, but thereafter the contracting agency, the
3 University of Wisconsin ^{- Madison} the Fox River Navigational System Authority, the
4 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
5 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
6 Authority, ^{plain → the Wisconsin Economic Development Corporation} for the Bradley Center Sports and Entertainment Corporation shall
7 request the department to place the name of the party on the ineligible list for state
8 contracts, or the contracting agency, the University of Wisconsin ^{- Madison} the Fox River
9 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
10 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
11 Authority, ^{plain → the Wisconsin Economic Development Corporation} the Wisconsin Quality Home Care Authority, for the Bradley Center Sports
12 and Entertainment Corporation may terminate the contract without liability for the
13 uncompleted portion or any materials or services purchased or paid for by the
14 contracting party for use in completing the contract.

15 SECTION 101. 16.78 (1) of the statutes is amended to read:

16 16.78 (1) Every agency other than the ^{Board of Regents} ~~board of regents~~ ^{- Madison} of the University of
17 Wisconsin System, the board of trustees of the University of Wisconsin, or an agency
18 making purchases under s. 16.74 shall make all purchases of materials, supplies,
19 equipment, and contractual services relating to information technology or
20 telecommunications from the department, unless the department requires the
21 agency to purchase the materials, supplies, equipment, or contractual services
22 pursuant to a master contract established under s. 16.972 (2) (h), or grants written
23 authorization to the agency to procure the materials, supplies, equipment, or
24 contractual services under s. 16.75 (1) or (2m), to purchase the materials, supplies,
25 equipment, or contractual services from another agency or to provide the materials,

Board of Regents

1 supplies, equipment, or contractual services to itself. The ~~board of regents~~ of the
2 University of Wisconsin System may make purchases of materials, supplies,
3 equipment, and contractual services relating to information technology or
4 telecommunications from the department. - Madison

5 **SECTION 102.** 16.847 (1) (b) of the statutes is amended to read:

6 16.847 (1) (b) "State facilities" means all property owned and operated by the
7 state for the purpose of carrying out usual state functions, including the University
8 of Wisconsin and each institution within the University of Wisconsin System.

9 **SECTION 103.** 16.85 (1) of the statutes is amended to read: - Madison

10 16.85 (1) To take charge of and supervise all engineering or architectural
11 services or construction work, as defined in s. 16.87, performed by, or for, the state,
12 or any department, board, institution, commission, or officer of the state, and any
13 such work to be performed for the University of Wisconsin, including
14 nonprofit-sharing corporations organized for the purpose of assisting the state in the
15 construction and acquisition of new buildings or improvements and additions to
16 existing buildings as contemplated under ss. 13.488, 36.09, and 36.11, ~~except work~~
17 ~~to be performed for the University of Wisconsin~~ with respect to a building, structure,
18 or facility that is funded entirely ~~with the proceeds of gifts or grants made to the~~
19 ~~university~~ from sources other than general purpose revenue
or general fund supported borrowing; the engineering, architectural, and construction work of the department
20 of transportation; and the engineering service performed by the department of
21 commerce, department of revenue, public service commission, department of health
22 services, and other departments, boards, and commissions when the service is not
23 related to the maintenance, and construction and planning, of the physical
24 properties of the state. The department may not authorize construction work for any
25 state office facility in the city of Madison after May 11, 1990, unless the department

37.03, and 37.11,

1 first provides suitable space for a child care center primarily for use by children of
2 state employees.

3 **SECTION 104.** 16.85 (2) of the statutes ^{as amended by 2011 Wisconsin Act 71} is amended to read:

4 16.85 (2) To furnish engineering, architectural, project management, and other
5 building construction services whenever requisitions therefor are presented to the
6 department by any agency or the University of Wisconsin - Madison. The department may
7 deposit moneys received from the provision of these services in the account under s.
8 20.505 (1) (kc) or in the general fund as general purpose revenue — earned. In this
9 subsection, “agency” means an office, department, independent agency, institution
10 of higher education, association, society, or other body in state government created
11 or authorized to be created by the constitution or any law, which is entitled to expend
12 moneys appropriated by law, including the legislature and the courts, but not
13 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
14 37, 52, 231, 233, 234, 237, or 279. ^{plain} ₂₃₈₅

15 **SECTION 105.** 16.85 (4) of the statutes is amended to read:

16 16.85 (4) To approve the appointment of a chief operating engineer for each
17 state-owned or operated heating, cooling or power plant and pumping station and
18 each such plant owned or operated by the University of Wisconsin, to provide for the
19 methods of operating the plants and stations and to design records and forms for
20 reporting accurately the cost per unit of product or service. The superintendent or
21 other person having charge of each plant or station shall not only report to the agency
22 which operates the plant or station or to the University of Wisconsin - Madison
23 operates the plant or station but to the secretary in the manner and at such times
24 as the secretary determines. In this subsection, “agency” has the meaning given
25 under sub. (2).

1 **SECTION 106.** 16.85 (5) of the statutes is amended to read:

2 16.85 (5) To promote the use of energy conservation methods in state-owned
3 facilities and facilities owned by the University of Wisconsin to implement and
4 refine a statewide energy monitoring system and to develop and implement
5 initiatives of replacing fossil fuels with renewable energy fuels.

6 **SECTION 107.** 16.85 (7) of the statutes is amended to read:

7 16.85 (7) To rebuild and repair discarded machinery of the several state
8 institutions and the University of Wisconsin ^{- Madison} when found feasible, and put the same
9 back into service in the same department or at the university or in any other state
10 department or the university, and upon requisition to furnish services and material
11 and loan equipment at fair rentals based on the cost thereof, in connection with the
12 construction, operation and maintenance of heating and power plants, utilities and
13 equipment.

14 **SECTION 108.** 16.85 (10) of the statutes is amended to read:

15 16.85 (10) To prepare in cooperation with the state agencies concerned and
16 with the University of Wisconsin, plans for the future growth and development of
17 various state institutions and to serve as technical adviser to the building
18 commission in connection with the development of the state long-range building
19 program provided in ss. 13.48 and 13.482.

20 **SECTION 109.** 16.85 (12) of the statutes is amended to read:

21 16.85 (12) To review and approve plans and specifications for any building or
22 structure that is constructed for the benefit of the University of Wisconsin System
23 or any institution thereof, and to periodically review the progress of any such
24 building or structure during construction to assure compliance with the approved
25 plans and specifications. This subsection does not apply to any building, structure,

- Madison

1 or facility that is constructed, remodeled, repaired, renewed, or expanded for the
2 University of Wisconsin if the project is funded entirely from sources other than general fund support purpose
3 revenue or general fund supported borrowing
4 grants made to the university

5 SECTION 110. 16.851 of the statutes is amended to read:

6 **16.851 Plans for state and university buildings, structures or facilities.**

7 Except as the department otherwise provides by rule, records of the department and
8 the University of Wisconsin - Madison containing plans or specifications for any state-owned
9 or state-leased or any university-owned or university-leased building, structure or
10 facility, or any proposed state-owned or state-leased or university-owned or
11 university-leased building, structure or facility, are not subject to the right of public
12 inspection or copying under s. 19.35 (1). If the department or the University of
13 Wisconsin - Madison transfers any records containing any such plans or specifications to any
14 other authority as defined in s. 19.32 (1), the department or university shall require
15 the authority to agree in writing not to make the record available for public
16 inspection or copying except as the department otherwise permits by rule.

17 SECTION 111. 16.8511 of the statutes is amended to read:

18 **16.8511 Secretary of administration; powers, duties.** (1) The secretary
19 or the secretary's designated assistants shall make a biennial inspection of each
20 building of each institution of the state and the University of Wisconsin
21 The secretary may delegate this responsibility to the board, commission or officer in
22 charge of such institution.

23 (2) The secretary may delegate any of the work under this subchapter to the
24 various state agencies or to the University of Wisconsin - Madison when the secretary
25 determines that the best interests of the state or the university will be served. All
such delegation will be in writing and accompanied by the proper rules and

1 guidelines the agencies or the university must follow to ensure performance to the
2 satisfaction of the secretary.

3 **SECTION 112.** 16.855 (2) (intro.) of the statutes is amended to read:

4 16.855 (2) (intro.) Except for projects authorized under s. 16.858, whenever the
5 estimated construction cost of a project exceeds \$40,000, or if less and in the best
6 interest of the state or the University of Wisconsin, ^{- Madison} the department shall:

7 **SECTION 113.** 16.855 (2) (b) 2. of the statutes is amended to read:

8 16.855 (2) (b) 2. If the federal government participates in a state or University
9 of Wisconsin ^{- Madison} project, the bid guarantee required in this paragraph controls, unless
10 the federal government makes a specific provision for a different bid guarantee.

11 **SECTION 114.** 16.855 (5) of the statutes is amended to read:

12 16.855 (5) Any or all bids may be rejected if, in the opinion of the department,
13 it is in the best interest of the state or the University of Wisconsin, ^{- Madison} The reasons for
14 rejection shall be given to the bidder or bidders in writing.

15 **SECTION 115.** 16.855 (7) of the statutes is amended to read:

16 16.855 (7) The department may issue contract change orders, if they are
17 deemed to be in the best interests of the state or the University of Wisconsin, ^{- Madison}

18 **SECTION 116.** 16.855 (10) of the statutes is amended to read:

19 16.855 (10) When the department believes that it is in the best interests of the
20 state or the University of Wisconsin ^{- Madison} to contract for certain articles or materials
21 available from only one source, it may contract for said articles or materials without
22 the usual statutory procedure, after a publication of a class 1 notice, under ch. 985,
23 in the official state newspaper.

24 **SECTION 117.** 16.855 (13) (c) of the statutes is amended to read:

1 16.855 (13) (c) Changes may be made in the list of subcontractors, with the
2 agreement of the department and the prime contractor, when in the opinion of the
3 department it is in the best interests of the state or the University of Wisconsin to
4 require the change.

5 SECTION 118. 16.855 (14) (b) of the statutes is amended to read: - Madison

6 16.855 (14) (b) The state ~~is~~ and the University of Wisconsin ~~are~~ not liable to a
7 prime contractor for damage from delay caused by another prime contractor if the
8 department or the university takes reasonable action to require the delaying prime
9 contractor to comply with its contract. If the state or the university is not liable under
10 this paragraph, the delayed prime contractor may bring an action for damages
11 against the delaying prime contractor. - Madison

12 SECTION 119. 16.855 (16) (a) of the statutes is amended to read:

13 16.855 (16) (a) This section does not apply to contracts between the state or the
14 University of Wisconsin and federal government or any agency thereof, or with any
15 political subdivision of the state. Subject to the approval of the governor, the
16 requirements of this section may be waived in emergency situations involving the
17 public health, welfare or safety or with respect to contracting with public utilities,
18 but only when any such waiver is deemed by the governor to be in the best interests
19 of the state or the university.

20 SECTION 120. 16.855 (16) (b) 2. of the statutes is amended to read:

21 16.855 (16) (b) 2. In emergency situations, the governor may approve repairs
22 and construction of a building, structure, or facility in lieu of building commission
23 approval under s. 13.48 (10), and for such purposes, may authorize the expenditure
24 of up to \$500,000 from the state building trust fund or from other available moneys
25 appropriated to an agency or other available moneys of the University of Wisconsin - Madison

1 derived from any revenue source. The governor may delegate to the secretary the
2 authority to grant approvals under this subdivision. The governor shall report any
3 such authorization to the building commission at its next regular meeting following
4 the authorization. In this subdivision, "emergency" means any natural or
5 human-caused situation that results in or may result in substantial injury or harm
6 to the population or substantial damage to or loss of property.

7 **SECTION 121.** 16.855 (20) of the statutes is amended to read: *- Madison*

8 16.855 (20) This section does not apply to construction work performed by
9 University of Wisconsin System or University of Wisconsin students when the
10 construction work performed is a part of a curriculum and where the work is
11 course-related for the student involved. Prior approval of the building commission
12 must be obtained for all construction projects to be performed by University of
13 Wisconsin System or University of Wisconsin students, except projects specified in
14 s. 13.48 (10) (c). *- Madison*

15 **SECTION 122.** 16.855 (22) of the statutes is amended to read: *- Madison*

16 16.855 (22) The provisions of this section, except sub. (10m), do not apply to
17 construction work for any project that does not require the prior approval of the
18 building commission under s. 13.48 (10) (a) if the project is constructed in accordance
19 with policies and procedures prescribed by the building commission under s. 13.48
20 (29). The provisions of this section do not apply to construction work for any project
21 by or for the University of Wisconsin that is funded entirely *from sources other than general purpose*
22 revenue or general fund supported borrowing *or grants made to the university* ~~with the proceeds of gifts~~
23 other than a University of Wisconsin project that is exempted under this subsection,
24 is at least \$40,000, and the building commission elects to utilize the procedures
25 prescribed under s. 13.48 (29) to construct the project, the department shall provide

- Madison

adequate public notice of the project and the procedures to be utilized to construct the project on a publicly accessible computer site.

SECTION 123. 16.858 (1) of the statutes is amended to read:

16.858 (1) The department may contract with a qualified contractor for an energy conservation audit to be performed at any state-owned building, structure or facility or any building, structure, or facility owned by the University of Wisconsin. Under the contract, the contractor shall prepare a report containing a description of the physical modifications to be performed to the building, structure or facility that are required to effect specific future energy savings within a specified period and a determination of the minimum savings in energy usage that will be realized by the state or the University of Wisconsin from making these modifications within that period. After review of the audit report and subject to approval under s. 13.48 (10), where required, the department may contract with the contractor for construction work to be performed at the building, structure or facility for the purpose of realizing potential savings of future energy costs identified in the audit if, in the judgment of the department, the anticipated savings to the state after completion of the work will enable recovery of the costs of the work within a reasonable period of time.

SECTION 124. 16.858 (2) of the statutes is amended to read:

16.858 (2) (a) A contract under sub. (1) may provide for the construction work to be financed by the state or the University of Wisconsin or by the contractor. The contract shall provide for the state or university to pay a stated amount, which shall include any financing costs incurred by the contractor. The stated amount may not exceed the minimum savings determined under the audit to be realized by the state or university within the period specified in the audit. The state or university shall make payments under the contract as the savings identified in the audit are realized

1 by the state, in the amounts actually realized, but not to exceed the lesser of the
2 stated amount or the actual amount of the savings realized by the state or university
3 within the period specified in the audit. If the department provides financing for
4 construction work, the department may finance any portion of the cost of the work
5 under a master lease entered into as provided under s. 16.76 (4). If the department
6 provides financing for the construction work and the stated amount to be paid by the
7 state under the contract is greater than the amount of the savings realized by the
8 state or the university within the period specified in the audit under sub. (1), the
9 contract shall require the contractor to remit the difference to the department.

****NOTE: This treatment requires amendment of s. 16.76 (4), stats. to permit
master leases to include the UW. Do you want to do that or make changes to the above?

10 (b) The department shall charge the cost of payments made by the state or the
11 University of Wisconsin to the contractor to the applicable appropriation for fuel and
12 utility costs at the building, structure or facility where the work is performed in the
13 amounts equivalent to the savings that accrue to the state or the university under
14 that appropriation from expenditures not made as a result of the construction work,
15 as determined by the department in accordance with the contract. The department
16 may also charge its costs for negotiation, administration and financing of the
17 contract to the same appropriation.

18 **SECTION 125.** 16.858 (4) of the statutes is amended to read:

19 16.858 (4) No later than January 1 of each year, the secretary shall report to
20 the cochairpersons of the joint committee on finance identifying any construction
21 work for which the department has contracted under this section for which final
22 payment has not been made as of the date of the preceding report, together with the
23 actual energy cost savings realized by the state or the University of Wisconsin as a

1 result of the contract to date, or the estimated energy cost savings to be realized by
2 the state or the university if the total savings to be realized in the audit under sub.
3 (1) have not yet been realized, the date on which the state or the university made its
4 final payment under the contract or, if the final payment has not been made, the
5 latest date on which the state or the university is obligated to make its final payment
6 under the contract, and any amount that remains payable to the state or the
7 university under the contract. *- Madison*

8 SECTION 126. 16.865 (1) (a) of the statutes is amended to read:

9 16.865 (1) (a) ~~Protect~~ Except as provided in sub. (10), protect the state and the
10 University of Wisconsin from losses which are catastrophic in nature and minimize
11 total cost to the state of all activities related to the control of accidental loss.

12 SECTION 127. 16.865 (2) of the statutes is amended to read: *- Madison*

13 16.865 (2) ~~Identify~~ Except as provided in sub. (10), identify and evaluate
14 exposure to loss to the state, its ^{the} and University of Wisconsin and their employees or
15 injury to the public by reason of fire or other accidents and fortuitous events at
16 state-owned and university-owned properties or facilities.

17 SECTION 128. 16.865 (3) of the statutes is amended to read:

18 16.865 (3) ~~Recommend~~ Except as provided in sub. (10), recommend changes in
19 procedures, program conditions or capital improvement for all agencies and the
20 University of Wisconsin which would satisfactorily eliminate or reduce the existing
21 exposure. *- Madison*

22 SECTION 129. 16.865 (4) of the statutes is amended to read: *- Madison*

23 16.865 (4) ~~Manage the state employees'~~ Except as provided in sub. (10),
24 manage the worker's compensation program for state and University of Wisconsin